

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA, Case No. 1:12CR238  
Plaintiff Akron, Ohio  
vs. Monday, May 7, 2012  
1:45 p.m.

DOUGLAS L. WRIGHT,  
BRANDON BAXTER,  
ANTHONY HAYNE,  
CONNER C. STEVENS,  
JOSHUA STAFFORD

## Defendants.

TRANSCRIPT OF STATUS CONFERENCE  
BEFORE THE HONORABLE DAVID D. DOWD, JR.  
UNITED STATES DISTRICT JUDGE

12 APPEARANCES:

For the Government:           Duncan T. Brown  
                                   Thomas E. Getz  
                                   Assistant United States Attorney  
                                   801 West Superior Avenue  
                                   Suite 400  
                                   Cleveland, Ohio 44113

For the Defendants: Anthony J. Vegh, Attorney  
Vecchio & Vegh  
526 Superior Avenue East, #720  
Cleveland, Ohio 44114

John S. Pyle, Attorney  
Gold & Pyle  
526 Superior Avenue East, #1140  
Cleveland, Ohio 44114

Michael J. O'Shea, Attorney  
O'Shea & Associates  
19300 Detroit Road, #202  
Rocky River, Ohio 44116

Jennifer E. Schwartz, Attorney  
Schwartz, Downey & Company  
45 West Prospect Avenue  
Cleveland, Ohio 44115

1 For the Defendants: Timothy C. Ivey, Attorney  
2 Office of the Federal Public  
3 Defender  
1660 West Second Street, #750  
Cleveland, Ohio 44113

4 Andrew P. Hart  
5 Office of the Federal Public  
Defender  
6 617 Adams Street  
Toledo, Ohio 43604

7 Court Reporter: Jocelyn S. Harhay, RPR  
Bish & Associates, LLC  
150 Smokerise Drive  
Wadsworth, Ohio 44281

25 Proceedings recorded by mechanical stenography.  
Transcript produced by computer-aided transcription.

## PROCEDING S

THE COURT: The Court calls the case United States of America versus Douglas Wright, Brandon Baxter, Anthony Hayne, Conner Stevens, and Joshua Stafford, Case No. 1:12CR238. The Defendants have previously been arraigned, and I scheduled a status conference today to review a number of matters.

The, maybe the first issue I want to address is the government's motion to declare the case complex. To my knowledge, there's been no objection to that motion.

Is that accurate?

MR. VEGH: Tony Vegh on behalf of Douglas Wright. Good morning, Judge. We have no objection.

THE COURT: Very well.

MR. PYLE: John Pyle. Likewise, Your Honor, on behalf of Mr. Baxter.

THE COURT: Thank you.

MR. O'SHEA: Morning, Your Honor. Michael O'Shea on behalf of Mr. Hayne. No objection.

MS. SCHWARTZ: Morning, Your Honor.

Jennifer Schwartz on behalf of Conner Stevens. We have no objection.

THE COURT: Thank you.

MR. IVEY: Tim Ivey along with Andrew Hart

1 of our office on behalf of Joshua Stafford. We have no  
2 objection.

3 THE COURT: Thank you. The government's  
4 motion is granted.

5 The next motion I'd like to address is the  
6 government's motion for a Protective Order, re: audio  
7 and video recordings of a government witness that's  
8 filed on the 10th of May and ask if any counsel for the  
9 Defendants has any objection to that motion.

10 MR. O'SHEA: That's to follow the same  
11 Order that --

12 THE COURT: Well, I -- you don't have -- if  
13 there's no objection, I don't think you have to voice  
14 consent.

15 I, what I'm looking for, is there any  
16 objections? I'll hear the objections. If I don't hear  
17 any objections, I'm going to grant the motion.

18 Hearing no objections, the motion is  
19 granted. That's a pretty important motion. And I'd ask  
20 counsel of the government....

21 You've identified the witness by three  
22 initials. And is there discovery material being turned  
23 over to counsel for the Defendants that involves that  
24 person?

25 MR. BROWN: Yes, Your Honor. In fact, this

1 morning each counsel will receive a box that contains  
2 personal effects of their client's and also about 30 or  
3 so CD recordings of various things with further  
4 discovery coming forthwith.

5 THE COURT: Thank you. In any event, the  
6 government's motion for Protective Order is granted.

7 MR. HART: Your Honor --

8 THE COURT: Yes.

9 MR. HART: -- morning. We don't have an  
10 objection to the restrictions placed in the Protective  
11 Order. We would ask the Court's consideration, and to  
12 hear from the government's response, whether the Court  
13 would consider striking the second paragraph of the  
14 proposed Order. It contains a factual finding which,  
15 based on our consent to all the other restrictions, we  
16 believe to be unnecessary and perhaps even problematic.  
17 But I think, given our consent to every restriction,  
18 every practical restriction suggested by the government,  
19 that that finding in Paragraph 2 would be unnecessary  
20 for the Court to issue a Protective Order.

21 THE COURT: Well, the second paragraph  
22 reads as follows: "The proposed Order of the Court  
23 further finds that the dissemination of such images  
24 except for the legitimate purpose of preparing for the  
25 litigation of the case by the parties poses an

1 unnecessary and potentially serious risk to the security  
2 of the witness and/or members of his/her family."

3 Do you want to address that on behalf of  
4 the government?

5 MR. BROWN: Well, Your Honor, this  
6 Protective Order is -- the government would argue that  
7 that's not a, a conclusion of fact. It's, it's just a  
8 recognition of the fact that one day after or maybe even  
9 the day of the indictment various Internet blogging  
10 websites attempted to identify a person. I think in, in  
11 the very recent history, if the Court looks to Florida  
12 where a case of a, a man identified as a George  
13 Zimmerman was harassed based on incorrect and erroneous  
14 bloggings, that's what we want to protect.

15 I mean already the government can cite  
16 articles. I think there's one in Rolling Stone that was  
17 rife with errors and incorrect information. And the  
18 government just does not want people acting on or  
19 relying on incorrect information because that does pose,  
20 as the Zimmerman case shows, a risk to family members of  
21 people who may or may not be the correctly identified  
22 person.

23 THE COURT: Anybody else want to speak to  
24 this?

25 MR. PYLE: Your Honor, may I.... First of

1 all, the information in the blogs was correct.

2 MR. BROWN: Objection. We're not  
3 litigating the smoking gun. And I don't think it's  
4 appropriate.

5 THE COURT: Let's let him speak and then  
6 you can respond.

7 MR. PYLE: Your Honor, I mean just  
8 factually, this is not the Zimmerman case where someone  
9 was incorrectly identified.

10 Second, Your Honor, I want the Record to be  
11 abundantly clear, as our president would say, that by,  
12 by not objecting to the Protective Order we are not  
13 waiving any objections as it relates to future motions  
14 to change of venue in this case based upon, in part, the  
15 government's press releases concerning this matter. And  
16 I just want to make that clear.

17 THE COURT: Thank you.

18 Well, you wanted to speak.

19 MR. O'SHEA: On behalf Mr. Hayne, one of  
20 the things that concerned me, as I indicated to counsel,  
21 is that there's a certain amount of trial publicity,  
22 Judge, that has already gone forward in this case, all  
23 of it, quite frankly at this juncture, manufactured or  
24 at least presented from the perspective of the  
25 government. And I just, you know -- and that obviously

1 has created a bit of a, a jury possibility -- a jury  
2 taint possibility.

3 I mean you can -- Judge, if you may recall,  
4 when the, these fellows were arrested, there were  
5 photographs of them widely distributed both locally and  
6 nationally. There were videos. There were -- there was  
7 a press conference where the government stood behind a  
8 podium with a number of agents and, and, and, you know,  
9 billboards and everything else behind them, Judge.

10 And my concern is that we at least have  
11 some opportunity to investigate whether or not that, in  
12 light of the fact that this Protective Order will be  
13 granted, might have tainted the jury to, a jury pool to  
14 a certain perspective and that we are not barred from at  
15 least expressing what our good-faith base  
16 interpretations of the evidence as we perceive it to be  
17 once we get to view it.

18 And, again, I think as you get here this  
19 morning, Judge, we haven't really seen the hard core  
20 evidence. I know we are, I understand we are probably  
21 going to see it today. So that's our concern, Judge.  
22 And there is rules, professional conduct that govern  
23 every lawyer in this state when it comes to trial  
24 publicity. And they're laid out, Judge. And I just  
25 want to make sure if, if we comply with them that

certainly the government complies with them as well,  
Judge. That's all. Thank you.

THE COURT: Anything further? Anybody want to speak to --

MS. SCHWARTZ: Your Honor, I would, I would join in the comment made by other counsel and just state that while we don't object to the issuance of the Protective Order we also feel that Paragraph 2 is unnecessary as long as the Order is in place.

THE COURT: Anything further? Well, I'm going to, I'm going to approve the Order and it will include Paragraph 2 over objections of the Defendants.

I have I think two motions, one on behalf of Brandon Baxter and another on behalf of Conner Stevens, to investigate a home, as to whether it would be an acceptable site for the Defendants' electronic monitoring in the event the Defendant is permitted to be released on bond. As I understand it, at the moment, there has not been filed a motion for the Court to set bond or to address the question of whether there should be a Detention Order. As I understand, that was I guess waived so to speak before Judge White.

MR. PYLE: May I be heard, Your Honor?

THE COURT: Sure.

MR. PYLE: Your Honor, it was collectively

decided on our appearance before Judge White that we --  
that the hearing on the bond would be indefinitely  
continued. And there's provision for that in the rule.  
We want to come, be able to come to you with, with  
records, with support for our bond motion; and we're  
still in that investigative stage. And beyond that, we  
didn't get discovery today.

So to answer your question, Your Honor, it's still pending. But we'd like, as a predicate, to have Pretrial Services.

THE COURT: I'm not going to do that until I have a motion for bond and the government has an opportunity to respond to it. To me, ordering Pretrial Services to investigate a home, a site for a possible home detention is simply not timely at this point. So I'm not going to grant that motion.

I would like to -- and if there's going to be a motion for bond, I'd like that, to get on with that so I can get that quickly resolved.

I'd ask counsel collectively, do any of you expect to file a motion for the Court to set bond?

MR. VEGH: Your Honor, I intend to do  
that --

THE COURT: All right.

MR. VEGH: -- on behalf of Mr. Wright.

1 MR. PYLE: As do I on behalf of Mr. Baxter.

2 THE COURT: All right.

3 MR. O'SHEA: At this time, we do not,  
4 Judge, but we reserve the right later.

5 THE COURT: All right.

6 MS. SCHWARTZ: Your Honor, we do want to  
7 file such a motion on behalf of Mr. Stevens.

8 THE COURT: All right.

9 MR. IVEY: Your Honor, we do anticipate  
10 filing a motion on behalf of Mr. Stafford.

11 THE COURT: Then I ask that -- this is, I  
12 believe this is the 17th of May. I'd ask all such  
13 motions be filed by the 21st of May, then I'll address  
14 them at that point. But as of, as of the moment, I'm  
15 not going to order any Pretrial Services investigation  
16 of a home site.

17 I now want to turn my attention to  
18 scheduling the case for trial. And my, my first choice  
19 for trial is -- what was the date I had, the 10th of  
20 September?

21 (A pause was taken.)

22 THE COURT: My first date is Tuesday,  
23 September 11th. And that gives us three and a half  
24 months to get ready, almost four months. Is there any  
25 objection to that trial date?

1 MR. BROWN: None from the government, Your  
2 Honor.

3 MR. VEGH: Judge, it may not -- it may seem  
4 picayune, but 9/11, Judge -- maybe it could be 9/12.  
5 The day has significance in this country. There's --

6 THE COURT: Well, I hate to lose a day just  
7 because people are worried about the anniversary.

8 MR. VEGH: Well, Your Honor --

9 THE COURT: These people aren't charged  
10 with a 9/11 incident.

11 MR. VEGH: Your Honor, the things that I  
12 have read in the Affidavit has the word "terrorist."  
13 "Terrorists" and "terrorism" has been used in a very  
14 broad brush against my client and the other Defendants  
15 here. It's not -- I understand the Court's saying it's  
16 just a date. But we'd ask the Court to consider the  
17 12th.

18 THE COURT: All right. Anybody else have a  
19 similar motion?

20 MR. O'SHEA: Judge, that week of September  
21 11th is, is a terrible week. I'm gone the entire --  
22 just for what it's worth, Judge, I'm gone the entire  
23 week before that on a long-planned, prepaid vacation.  
24 So I won't --

25 THE COURT: The week before, you're gone?

1                   MR. O'SHEA: Yes, sir. So I would  
2 literally spend the vacation preparing for this trial  
3 and not -- so it's just not a date that works for me.  
4 But if, if it works for everyone else, nevertheless I'll  
5 go with it, Judge.

6                   THE COURT: Anybody else have any comment  
7 about -- let's make it the 12th as to handle the  
8 concern.

9                   MR. IVEY: Your Honor, I just want to have  
10 my comments for the Record. I think the whole week is  
11 bad for reasons that Mr. Vegh says. And that is because  
12 every year around 9/11 there's, there's plenty of, of  
13 memorials, documentaries; everything is going on about  
14 terrorism during that entire week. And I think since  
15 this case is being labeled at least a terrorist type  
16 case that the taint that would be put on the potential  
17 jury pool at that particular time is significant.

18                  I'm available during that week. But I, I  
19 think that because of the anniversary, during that week,  
20 what's likely to be going on --

21                  THE COURT: Well, let's try -- let me hear  
22 it -- is there any objections to starting the trial the  
23 17th of September?

24                  MR. IVEY: That's fine for myself, Your  
25 Honor. I can't speak for the others.

1                   THE COURT: Anybody else have a problem?

2                   MR. PYLE: Your Honor, may I be heard?

3                   THE COURT: Sure.

4                   MR. PYLE: Your Honor, I have no objection  
5 to that date being set. I do want the Record to reflect  
6 that we have not gotten any discovery. I don't know the  
7 scope of the investigation, the discovery, et cetera.

8                   THE COURT: Well, you have four months to  
9 September.

10                  MR. PYLE: I understand that. I understand  
11 that. You know, all of us here are working, Judge. But  
12 if we have to come back to you at some point and ask for  
13 more time, please don't, please don't accept our setting  
14 of that date as a definitive answer about the time  
15 required for preparation.

16                  THE COURT: Well, are you retained or  
17 appointed?

18                  MR. PYLE: Appointed, Your Honor. We're  
19 all appointed.

20                  THE COURT: Okay. Well, if you've been  
21 appointed to this case, I expect you to work diligently  
22 on this case. September 17 will be the trial date.  
23 That gives you four months. I don't want to hear you  
24 didn't have a chance to get ready for it. I got to  
25 stick to it. It's not the only case on my docket. I

1 have to work with other cases. So September 17th is the  
2 trial date. And we'll put an Order out to that effect.

3 Now, I would like to have a deadline for  
4 motions. I realize you haven't seen the materials yet.  
5 But I'll set a deadline for motions as of Friday, June  
6 29. So if you have any motions, get them filed by then.

7 Now, is, is -- excuse me. Go ahead.

8 MR. HART: Thank you, Your Honor. Your  
9 Honor, just as a suggestion, if the Court would consider  
10 a, setting a, perhaps a written status conference date  
11 prior to the motion filing deadline, once we obtain the  
12 discovery, I think we'll be in a better position to  
13 describe to the Court logically whether or not the  
14 trial date would potentially --

15 THE COURT: I don't want to hear about the  
16 trial date. I've already -- we've already discussed  
17 that. The trial date's now set in cement. It's not  
18 going to be changed. I'm not going to listen to some  
19 argument two months from now telling me, oh, you just  
20 can't get ready. If I set that kind of a date, then I  
21 know I'm going to get a motion for continuance.

22 MR. HART: Understood, Your Honor. I just  
23 want to offer the Court just that there may be some  
24 logistical difficulties.

25 THE COURT: You can always move me for a

1 status conference.

2 MR. HART: Thank you, Your Honor.

3 THE COURT: But is there any problem with  
4 setting a, June 29th as a deadline for motions at least  
5 at this point?

6 MR. HART: Not on behalf of Mr. Stafford.

7 THE COURT: All right. Now, let me ask  
8 counsel for the government....

9 Based on what you know about this case at  
10 the moment, is there, is there -- would there be any  
11 legitimate basis in your view for a motion for  
12 severance?

13 MR. BROWN: No, Your Honor, not in the  
14 United State's view.

15 THE COURT: All right. Well, I spent some  
16 time yesterday with the G.S.A. getting the courtroom set  
17 up so that we could accommodate five Defendants. And  
18 the courtroom is set up as the way I expect it to be so  
19 that everybody would have -- be able to be seated in the  
20 proper place, be seated, the Defendants be seated beside  
21 their lawyer.

22 And when we start the trial on the 17th of  
23 September, obviously the first thing I'd like to do is  
24 impanel a jury. And I will want proposed jury questions  
25 about three weeks ahead of time so I have time to

1 develop a, a comprehensive jury questionnaire. So any  
2 proposed questions for the jury, questionnaire should be  
3 filed with the Court by the 24th of August.

4 How many of you have not been in my  
5 courtroom and impaneled a criminal jury? How many  
6 defense counsel have not had that opportunity?

7 Okay. Well, one, two, three.

8 Mr. Ivey, you haven't impaneled a jury in  
9 my courtroom?

10 MR. IVEY: Actually I have not, Judge.

11 THE COURT: I don't know how you missed  
12 that, that experience over all these years.

13 MR. IVEY: I've done it a million times  
14 with Judge Oliver, none with you.

15 THE COURT: What I'll do, so you'll  
16 understand the importance of the written jury  
17 questionnaire, I do not send the questionnaire out ahead  
18 of time. I, I propose a questionnaire to be distributed  
19 to the jurors after they're in the courtroom. I don't  
20 want to send it out ahead of time because all that is is  
21 an invitation for a juror to figure out how to avoid  
22 jury service. And I conduct that -- that questionnaire  
23 will be passed out to the jurors and then I explain the  
24 questionnaire and then I invite each juror that reaches  
25 the jury box to come up to the side bar and, and at

1 which time I review the responses of the, of the juror,  
2 respected juror to the questionnaire.

3 So the questionnaire is pretty important.  
4 And I'm surprised that only one of you -- who's been in  
5 my courtroom before? John I guess is the only one.

6 Well, you've, you've been through that  
7 experience.

8 MR. PYLE: I've had the privilege, Your  
9 Honor.

10 THE COURT: Yeah. Okay.

11 And, and so that gives you an opportunity  
12 to kind of eyeball the, the juror. The problem with  
13 five Defendants in a case is I can't have all Defendants  
14 up here. So I suppose the next question is whether I  
15 should impanel the jury by inquiring of the jury --  
16 juror, in the absence of all the jurors in the  
17 courtroom, one by one by one.

18 And mainly that's a good idea in this case,  
19 so that the only juror in the courtroom is the juror  
20 being questioned. And that's going to take us longer to  
21 pick a jury but I think possibly in this case that would  
22 be appropriate.

23 I'm kind of talking as I -- thinking as I'm  
24 going along. That means it's going to take longer to  
25 get the jury. But that might be pertinent in this case

1 so that, so that I would probably bring in my entire  
2 panel and go through what I call name, rank, and serial  
3 number type of questions of each juror and then excuse  
4 all of them except the first juror and then question the  
5 juror in the courtroom without other jurors being  
6 present.

7                   But then Defendants as well as defense  
8 counsel can hear the responses so that the Defendants  
9 can be involved with their lawyer as to whether or not  
10 they feel that the respective juror should be or should  
11 not be a target for a peremptory challenge. So I think  
12 possibly that's the better way to go. That will take us  
13 a little longer. It might take two or three days to get  
14 the jury, but I, I think as I, as I think about it, I  
15 think maybe that's the appropriate way to go.

16                   John, you've been here before so you -- do  
17 you have any comment on that?

18                   MR. PYLE: Your Honor, I'm totally open to  
19 that procedure. We are going to be sending a lengthy  
20 questionnaire.

21                   THE COURT: And I think the case deserves  
22 it. But I, I also want the Defendants to have the  
23 opportunity to hear the question and answers of the  
24 juror that would normally be a side bar. Obviously I  
25 can't do that at a side bar with five Defendants.

1                   And so I think we'll do the other, which  
2 means that we're probably going to take probably a  
3 minimum of two days, maybe three days to get the jury.  
4 And I, since I have a number divisible by -- I can  
5 divide five into ten and come out with two, so I think  
6 each, each juror -- each Defendant will have two  
7 peremptory challenges. The government will have six.  
8 And, and if, if the Defendant whose pre -- up to give  
9 the peremptory challenge doesn't want to use it, it's  
10 got to be passed along to the other Defendants. So  
11 presumably in the process you'll, you'll use all your  
12 ten challenges or at least think about it.

13                   So I think we'll go that --

14                   Yes, Mr. Ivey.

15                   MR. IVEY: Your Honor, I don't want to draw  
16 the ire of the Court, but I just feel compelled to say  
17 on the issue of severance, at this point I guess we  
18 don't anticipate five for one. But how can we know  
19 whether or not we're really going to need to do that  
20 prior to hearing any discovery in the case? Because  
21 it's my understanding --

22                   THE COURT: Well, I got a deadline here for  
23 motions.

24                   MR. IVEY: I just didn't want to --

25                   THE COURT: No. No. I don't, I don't

1 think the issue of severance has been foreclosed.

2 Nobody motioned for it now.

3 MR. IVEY: Okay.

4 THE COURT: That's, that's an open issue as  
5 far as I'm concerned.

6 I'm just trying to get some dates here so  
7 we, we can work at them steadily. And, and I've tried  
8 to explain why the jury questionnaire is so important.  
9 Because it gets passed out to each juror and, and you  
10 write the questions from the standpoint of -- a "yes"  
11 answer probably doesn't require any follow-up unless the  
12 question is, for instance, "Have you heard or have you  
13 expressed an opinion about the facts in this case"?  
14 "Yes." Obviously I've got to follow up on that.

15 And so those are the type of questions that  
16 I, proposed questions that I expect to see in the jury  
17 questionnaire.

18 Did I set a deadline for filing motions for  
19 bond? I think I did.

20 MR. PYLE: The 21st.

21 THE COURT: Yeah. Is there anything else  
22 that I need to, to review with counsel today?

23 MR. PYLE: May I be heard, Your Honor?

24 THE COURT: Sure, John.

25 MR. PYLE: Your Honor, I don't -- I'm not

1 asking you to get involved in the micro management of  
2 this case. But there's one dimension that is just so  
3 crucial I feel obligated to bring it to your attention.  
4 And that is that at least my client is presently at CCA.  
5 It is essential that he be able to look at every second  
6 of audio and video tape. And CCA puts serious  
7 restrictions on that. They only have one computer for  
8 all attorneys to see all their clients there. And at  
9 the very minimum, it's going to take an Order from you.  
10 I'm going to talk to the people at CCA to see what's  
11 agreeable to them. But I'm alerting you that may take  
12 your intervention.

13 THE COURT: Is there any other institution  
14 where the marshal places defendants where that kind of a  
15 rule does not apply?

16 MR. VEGH: Your Honor, my client is at  
17 Trumbull County Jail. I don't know what their policy  
18 is. But I'm going to make it my business to find out  
19 within the next couple days. And if, if it's a  
20 potential problem, I'll bring it to the Court's  
21 attention. If there is not, I won't.

22 THE COURT: How many hours are there to  
23 look at, Mr. Brown?

24 MR. BROWN: Your Honor, this is a very  
25 rough approximation. Somewhere between probably 35 and

1 50 hours --

2 Is that fair?

3 -- talking with Special Agent Ryan Taylor  
4 over all the CDs.

5 THE COURT: What's portrayed in these  
6 literally?

7 MR. BROWN: Conversations. There are audio  
8 recordings of conversations. There are video recordings  
9 of meetings. And there are several CDs of videos of  
10 the, of the night of arrest.

11 THE COURT: Well, I guess this is a  
12 question to the marshals. Is it possible to have some  
13 sort of global viewing of the Defendants in some  
14 location other than at CCA?

15 MR. KASALONES: I could check with the  
16 institution, Your Honor.

17 THE COURT: Because, because it's obviously  
18 a problem that's been -- Mr. Pyle brought it to the  
19 Court's attention. There are a lot of things to look at  
20 here. And, and I don't know how long it would take.  
21 But it sounds to me like it's, it's an impossibility at  
22 CCA.

23 I think that's what you're saying, John.

24 MR. PYLE: Unless they changed their  
25 policy.

1                   MR. KASALONES: I, I'm sure we could work  
2 with CCA and make it amenable to what can be done.

3                   THE COURT: If they could find some way to  
4 accommodate. But then, then you're going to have to all  
5 agree, agree to show up on the day it's being shown.  
6 Because you can't say, "I can't do it on that day."  
7 We're back to the same problem.

8                   John, I'm going to ask you to see if you  
9 can coordinate with the marshal and the defense counsel  
10 for some type of, of showing that would accommodate what  
11 you're concerned about.

12                  MR. PYLE: I'll make my best effort, Your  
13 Honor.

14                  THE COURT: That would be very helpful.

15                  MS. SCHWARTZ: Your Honor, my client is  
16 also at CCA. And I know that in other cases there have  
17 been provisions where defendants were permitted to watch  
18 the tapes on their own. But I don't know that -- it's  
19 going to be very difficult, particularly in the time  
20 frame that we're discussing to get everyone together to  
21 watch all 35 to 50 hours of these, these tapes.

22                  THE COURT: Well, I'm, I'm asking that you  
23 cooperate with the marshal to see that you get something  
24 going here. I don't know that it's necessary to watch  
25 every tape.

1                   Can you, can you provide them with a  
2 description of what's on the tape, Mr. Brown?

3                   MR. BROWN: The government certainly could,  
4 with the recognition I'm sure each attorney and each  
5 client would rather watch and decide on their own the,  
6 the appropriate summary. I mean the government can  
7 provide a brief summary with the recognition that it's  
8 the government's brief summary.

9                   THE COURT: Does every tape involve every  
10 Defendant?

11                  MR. BROWN: No. Actually in the discovery  
12 letter, I have detailed -- actually Special Agent Taylor  
13 has detailed, using initials, who's on the tape.

14                  THE COURT: Well, I believe that a  
15 cooperative effort is necessary here. I want Mr. Pyle  
16 to be the moving force among the Defendants.

17                  Mr. Brown, you on behalf of the government.  
18 And then to the extent you need my marshal, the marshal  
19 here, David, to help you, why, talk with him and see if  
20 he could help you get this done.

21                  But obviously we could be here next year  
22 talking about viewing the tapes unless we get it done in  
23 an appropriate fashion and accommodates all defense  
24 counsel.

25                  Is there anything further coming before the

1 Court today?

2 MR. BROWN: Nothing from the government.

3 Thank you, Your Honor.

4 MR. VEGH: Nothing, Your Honor, on behalf  
5 of Mr. Wright. Thank you, Judge.

6 MR. PYLE: Thank you. No, Your Honor.

7 THE COURT: Thank you.

8 MS. O'SHEA: Nothing on behalf of Mr.  
9 Hayne, Your Honor. Thank you.

10 THE COURT: Thank you.

11 MS. SCHWARTZ: Nothing further on behalf of  
12 Mr. Stevens.

13 MR. IVEY: Nothing further on behalf of Mr.  
14 Stafford.

15 THE COURT: The Court will be in recess  
16 then. Thank you.

17 (Proceedings adjourned at 10:30 a.m.)

18 - - - -

19 C E R T I F I C A T E

20 I, Jocelyn S. Harhay, RPR, certify that the  
21 foregoing is a correct transcript from the record of  
proceedings in the above entitled matter.

22 /s/ Jocelyn S. Harhay

23 Date: June 10, 2012

24

25